

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ALLIED WORLD SPECIALTY
INSURANCE COMPANY, et al.,

Plaintiff(s),

v.

LISA M. LEE, et al.,

Defendant(s).

Case No. 2:21-CV-78 JCM (EJY)

ORDER

Presently before the court is defendant Ryan McClaran's ("McClaran") motion for the court to abstain from this action and dismiss the complaint. (ECF No. 23). Plaintiffs Allied World Insurance Company and Allied World Specialty Insurance Company (collectively "Allied World") responded in opposition (ECF No. 33), to which McClaran replied (ECF No. 39).

Also before the court is former¹ defendants Joyce Sirianni ("Sirianni") and Lisa M. Lee, as special administrator of the Estate of Demetrios A. Dalacas, Esq.'s ("Lee"), motion to abstain and dismiss. (ECF No. 31). Allied World responded in opposition (ECF No. 34), to which Sirianni and Lee replied (ECF No. 40).

Also before the court is the parties' joint motion for an extension of time for McClaran, Sirianni, and Lee to file replies in support of their respective motions to dismiss, (ECF No. 35).

¹ On October 21, 2021, the court substituted new defendant Jasen Cassady for defendant Lisa Lee since Mr. Cassedy replaced Ms. Lee as the newly appointed special administrator of the Estate of Demetrios A. Dalacas. (ECF No. 53). Further, on January 5, 2022, Allied World voluntarily dismissed defendant Joyce Sirianni from this action, without prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). (ECF No. 56).

1 It has come to the court's attention that the alleged parallel state court action, *Joyce*
2 *Sirianni v. Allied World Insurance Company*, Case No. A-19-806875-B (Clark Cty., Nev. Dist.
3 Ct.), that serves as the basis for the motions to dismiss filed by McClaran, Sirianni, and Lee,
4 has now been dismissed. (ECF No. 57-2). Thus, there is no pending, parallel state court
5 action at issue—which is a precondition for seeking abstention in federal court. *See Colo.*
6 *River Water Conservation Dist. v. United States*, 424 U.S. 800 (1976).

7 Accordingly,

8 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that all pending motions
9 (ECF Nos. 23, 31, 35), be, and the same hereby are, DENIED, as moot.

10 DATED March 29, 2022.

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UNITED STATES DISTRICT JUDGE